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by Paul Robinson

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Symbols page

. not available for any reference period

.. not available for a specific reference period

... not applicable

0 true zero or a value rounded to zero

0^{s} value rounded to 0 (zero) where there is a meaningful distinction between true zero and the value that was rounded

^{p} preliminary

^{r} revised

x suppressed to meet the confidentiality requirements of the *Statistics Act*

^{E} use with caution

F too unreliable to be published

Parenting after separation and divorce: a profile of arrangements for spending time with and making decisions for children: highlights

- In 2006, about 70% of recently divorced or separated parents in Canada had an arrangement in place for either spending time with their children, for making major decisions related to the religion, health or education of their children, or for both.
- A majority of parents with an arrangement for spending time made use of third party resources (like talking to lawyers or having their arrangement judgment ordered as an outcome of a trial) in reaching an arrangement; parents were less likely to use these resources when deciding on an arrangement for making major decisions.
- About 14% of parents with an arrangement for spending time had a shared living arrangement where the children spent a similar amount of time living at both parents' homes.
- Most parents with an arrangement for making major decisions reported that they were involved in making decisions related to their children's health, religion or education.
- Almost all parents with an arrangement for spending time were involved with their children's recreational or regular care activities.
- Just over half of parents who had an arrangement for spending time and whose children lived primarily with their ex-partner were satisfied with the amount of time they were spending with their children.

Parenting after separation and divorce: a profile of arrangements for spending time with and making decisions for children

by Paul Robinson

When parents separate or divorce, one challenge is to organize their post break-up relationship so they can continue their involvement in the lives of their children. Decisions need to be made about where the children will reside and who will make the major decisions on behalf of the children.

The approaches taken by separated or divorced parents are varied. Some parents will opt for sharing both physical custody (where the children reside) and legal custody (who makes major child-related decisions). In other instances, one parent will maintain physical custody, but legal custody will be shared. Sometimes one parent will assume sole physical and legal custody of the children. In a situation where physical custody is not shared, the other parent may still maintain access to the children through visits and other types of contact. Parents can also have split custody, where physical custody is divided between parents, and each parent has custody of at least one child.

The process used by separated or divorced parents to reach an understanding can also vary. Parents may formalize their arrangement in writing, or they may opt for an informal, ad hoc approach. Some parents can reach an accord on their own; some rely on help from other resources, such as lawyers or court services; and some have their arrangements ordered by a judge through a formal hearing or trial.

Using data from the 2006 General Social Survey (GSS) on the family, this article examines recently separated or divorced parents who have arrangements in place for spending time with and making decisions for their children, and profiles the types of arrangements that these parents have. In addition, this article examines whether parents were able to come to an agreement on their arrangements, either on their own or by using lawyers, or if their arrangements were made through the use of court services, such as mediation, conciliation and arbitration, or were ordered by a judge. The last part of the article looks at parental involvement in their children's activities when there is an arrangement for spending time.

The involvement of parents in their children's lives can be an issue following a separation or divorce. When parents face problems concerning access to the children, they may turn to the justice system, either through exploring dispute resolution options or, in some cases, seeking legal remedies to resolve the issue. Access issues can include both denial of access by a parent and failure of a parent to exercise access (i.e., the parent does not spend time with the children when he or she is supposed to).

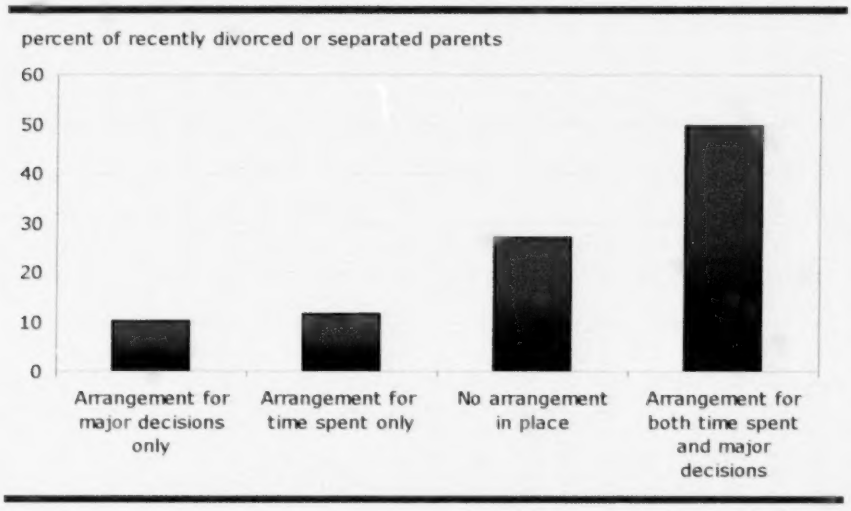
According to the 2006 GSS, a little over 800,000 people living in Canada, who had dependent children with their partners, became separated or divorced between 2001 and 2006. For the remainder of this article, these people will be referred to as parents. Two-thirds of these parents ended a marriage relationship through either separation or divorce, and one-third ended a common-law union. About 84% of parents were between 25 and 49 years of age at the time of the survey, with the average age being 39 years. Fathers were slightly older than mothers.

Most parents had an arrangement regarding their children

The GSS did not use the term "custody" in describing either the physical custody (living arrangements) or legal custody (decision-making responsibilities) of the children. Instead, respondents were asked about arrangements for spending time with and making major decisions for their children. For that reason, the term custody is not used in this article.

About 70% of parents who divorced or separated between 2001 and 2006 had an arrangement in place by 2006 for either spending time with their children, making major decisions, or both.[1] Half of the parents had both types of arrangements, while another 12% of parents had an arrangement for spending time, and 10% had an arrangement for making decisions related to the religion, health or education of their children (Chart 1).

Chart 1
Half of parents had arrangements for both spending time with children and making major child-related decisions



Note: Recently divorced or separated parents are persons who divorced or separated between 2001 and 2006 with dependent children.
Source: Statistics Canada, General Social Survey, 2006.

Parents without an arrangement cited several reasons for not having one. The most common reasons mentioned by parents that had no arrangement for spending time were that the children were old enough to decide for themselves or they were living elsewhere (25%). Other parents mentioned a preference for an informal, ad hoc approach (21%). For parents without an arrangement for making major decisions, some common reasons were an absent or uninvolved parent (21%) and, once again, a preference for an informal, ad hoc approach (14%).

Roughly 80% of parents who did not have an arrangement in place, either for spending time or making major decisions, had never had an arrangement. Moreover, most of these parents had no plans, as of 2006, to have an arrangement in the future.

Proportionally more younger parents—those under 40—had an arrangement for spending time with their children than older parents.[2] For other factors, such as the type of previous relationship (marriage vs. common law), the existence of a new relationship, household income and educational attainment, there was little difference in the proportion of parents having an arrangement in place, either for spending time or for making major decisions.

Most arrangements had not changed since they were first reached. For spending time, 76% of parents had not changed their original arrangement, while for making major decisions, 95% of parents had kept their original arrangement.

Two-thirds of parents had a written arrangement for spending time

About 66% of parents with an arrangement for spending time with their children had it written down (text table 1). Written arrangements can add clarity to whatever parenting arrangements are decided upon, and are necessary if a parent wants to register the arrangement with a court. Court registration allows parents to seek a broader range of legal remedies if the arrangement is not followed. For parents with a written arrangement for spending time that was not judgment ordered, 71% had their arrangement registered with a court.

A variety of services and processes are available to divorced or separated parents if they cannot come to an agreement on their own, or they are in need of guidance or expertise. Just over 59% of all parents with an arrangement for spending time with their children had used a third party to help draft an agreement or resolve disputes and make final decisions regarding their arrangements. About 19% of parents with an arrangement made use of court services (which, for the purposes of the survey, includes mediation, conciliation and alternative dispute resolution), 21% talked to a lawyer, and for 22% of parents the arrangement was judgment ordered as the result of a hearing or trial.[3]

Text Table 1
Proportion of parents with arrangements for spending time or making major child-related decisions by type of arrangement

Type of arrangements	Arrangements for spending time	Arrangements for making major decisions
	percent	
Verbal arrangements	39	51
Written arrangements, total	66	50
Prepared by partners alone	8[E]	6[E]
Used court services	19	12
With help of lawyers	21	16
Judgment ordered	22	17

Note: Some respondents have multiple responses where arrangements for different children involved different types of arrangements. Thus, percentages do not add up. Parents are persons who divorced or separated between 2001 and 2006 with dependent children.
Source: Statistics Canada, General Social Survey, 2006

Arrangements for major child-related decisions less likely to involve other resources

Half of parents with an arrangement for making major child-related decisions had a written arrangement. For those with a written arrangement that was not judgment ordered, 65% had their arrangement formally registered with a court.

Just under 44% of parents used a third party to help draft an agreement or to resolve disputes concerning making major child-related decisions. About 12% of parents used court services, 16% talked with lawyers and 17% of parents had their arrangement ordered through a hearing or trial.

While parenting arrangements are a tool for parents to organize themselves and define roles, they can become a source of conflict between the ex-partners if they are not followed. About 84% of parents indicated that in the previous year, their arrangement for making major child-related decisions was being followed for the most part, while 57% of parents indicated the arrangement was being followed all of the time.[4]

About 14% of parents with an arrangement had shared living arrangements for their children

Parents who had an arrangement for spending time were asked to identify the location of their children's primary residence. If the respondent indicated the primary residence of the children was the respondent's home, then for the purposes of this analysis, the respondent is categorized as a resident parent. If the respondent indicated the children primarily resided with the ex-partner, then the respondent is considered a non-resident parent. If the children lived about the same amount of time with both parents, then the respondent is categorized for this analysis as a parent with a shared living arrangement. If some children lived with one parent and the others lived with the other parent, then the respondent is considered a parent with a split living arrangement.

Among parents with an arrangement for spending time with their children, about 14% indicated they had a shared living arrangement, and 5% of parents said they had a split living arrangement.[5] For most other parents with an arrangement, the children lived primarily with one parent.[6] In two-thirds of these cases, where the children lived primarly with one parent, the children lived at least part of the year with the non-resident parent.

When living arrangements were not shared or split, most children lived with their mother. This finding is consistent with other research (Marcil-Gratton et al., 1999, Juby et al., 2003), which indicated that children usually stay with the mother after the marital or common-law break-up.

Most parents with arrangements indicated they participated in decision-making

Parents with an arrangement for making major decisions were asked to identify which parent was responsible. Respondents who indicated that both parents made major decisions were regarded as parents who shared decision-making responsibilities. If a respondent indicated that they were the person mainly responsible for making-major decisions, then the respondent was categorized as the parent with primary decision-making responsibility.

Roughly 91% of all parents with an arrangement for making major-decisions indicated that they participated in making decisions about their children's health, religion or education. About 54% of parents shared decision-making responsibilities with their ex-partner, and 36% of parents made the major decisions mainly on their own. Few parents (9%) indicated that they were not involved in making major child-related decisions or they had other arrangements.

Non-resident parents viewed their role in decision-making differently than resident parents.[7] About 76% of non-resident parents indicated that they shared decision-making responsibilities with their ex-partner, whereas the figure for resident parents was 35%. Almost all other resident parents reported that they had the primary decision-making responsibility. Not surprisingly, 93% parents with a shared or split living arrangement indicated that they shared decision-making responsibilities.

Most non-resident parents with arrangements were involved in their children's lives

The GSS collected information on the involvement of parents in their children's lives for those parents that had an arrangement in place for spending time (about 62% of parents). The involvement of parents without an arrangement in the lives of their children is not known.

Most non-resident parents remained involved in their children's lives even though their children lived primarily with their ex-partner. The involvement included contacting their children through phone or email, or participating in the children's recreational or regular care activities.

In the previous year, 87% of non-resident parents who had an arrangement for spending time contacted their children either through email or by phone at least once a week when their children were not living with them. Just under one-third of these parents maintained daily contact.

Most non-resident parents (92%) reported that they were involved in either their children's recreational or regular care activities. About 89% of non-resident parents were involved in recreational activities, while 71% of non-resident parents were involved in regular care activities, such as school or day care. Not surprisingly almost all resident parents or parents with a shared or split living arrangement indicated that they were involved in their children's activities.

The amount of time parents devoted to their children's activities varied depending on the children's living arrangements. About 95% of resident parents and parents with a shared or split living arrangement were involved all or most of the time in their children's recreational or regular care activities. The figure for non-resident parents was 57%.

For non-resident parents and parents with a shared or split living arrangement, the distance between the parent and the children appeared to be a factor in the amount of time parents were involved in their children's activities. About 84% of parents who lived within 100 kilometres of their children were involved most of the time in either recreational or regular care activities, compared to 32% of parents living more than 100 kilometres from their children.

Parents generally perceived that their ex-partners were less involved than they were in their children's recreational or regular care activities (text table 2). For example, almost all parents with a shared or split living arrangement said they were involved most of the time with their children's activities, but only 75% of these parents indicated that their ex-partner was also involved most of the time.

Text Table 2
Perception of parents' and ex-partners' involvement with children's recreational or regular care activities

Parents status	Parents involved most of the time	Ex-partners involved most of the time
	percent	
Resident parents	95	32
Non-resident parents	57	86
Parents with shared or split arrangement	97	75

Source: Statistics Canada, General Social Survey, 2006

Just over half of non-resident parents were satisfied with the amount of time spent with children

Parent satisfaction with the amount of time spent with children varied depending on the children's living arrangements (text table 3). Most resident parents and parents with a shared or split living arrangement were either very satisfied or satisfied. Non-resident parents were less likely to say they were very satisfied or satisfied, with just over half of the non-resident parents indicating satisfaction.

Text Table 3
Parents' satisfaction with time spent with children

Parents status	Very satisfied	Satisfied	Dissatisfied or very dissatisfied
		percent	
Resident parents	50	38	12
Non-resident parents	F	46	47
Parents with shared or split arrangement	31	47	21

Source: Statistics Canada, General Social Survey, 2006

For parents who were either dissatisfied or very dissatisfied with the amount of time spent, about 56% said the main reason for their dissatisfaction was that they wanted to spend more time with their children. Few parents indicated that they were dissatisfied because of issues related to their ex-partner, such as the other parent did not want to share the children, or their time with the children was getting cancelled.

Summary

A majority of recently separated or divorced parents had arrangements in place for either spending time with their children or making major child-related decisions, or both. About two-thirds of the parents with an arrangement for spending time had it written down and just over half used lawyers, court services or the courts to help decide on their arrangement. Parents with arrangements for making major decisions were less likely to write down the arrangement or to use other resources to reach an arrangement.

About 1 in 5 parents had either a shared living arrangement, where the children reside for about the same amount of time with both parents, or a split living arrangement where some children reside primarily with one parent and the others reside primarily with the other parent. In instances where the child primarily lived with one parent, the resident parent was usually the mother.

Almost all non-resident parents maintained contact with their children when their children were not living with them. Most parents with an arrangement for spending time were involved in their children's recreational and regular care activities, although resident parents and parents with a shared or split living arrangement were more likely to be involved most of the time. Most resident parents and parents with a shared or split residential arrangement were satisfied with the amount of time they spent with their children, while just over half of the non-resident parents were satisfied. For those parents that were not satisfied, the main reason was that they wanted to spend more time with their children.

Methodology

Description of the General Social Survey

In 2006, Statistics Canada conducted the family cycle of the General Social Survey (GSS) for the fourth time. Previous cycles were conducted in 1990, 1995 and 2001. The objective of the survey is to monitor changes in Canadian families. This includes estimating the number of people who become separated or divorced, and establishing the nature of post break-up arrangements that are put in place for spending time with and making major decisions for the children.

Sampling

The 2006 GSS had a sample size of 24,000 households from the 10 Canadian provinces. Households were selected using random digit dialing. Once a household was chosen an individual 15 years or older was selected randomly to respond to the survey. The use of telephones for sample selection and data collection means that the 2006 GSS sample in the provinces covers the 93% of the population that had telephone service. Households without telephones, households with only cellular phone service, and individuals living in institutions were excluded. These groups combined represent 7% of the target population. The response rate for the 2006 GSS was 68%.

Data Limitations

As with any household survey, there are some data limitations. The results are based on a sample and are therefore subject to sampling error. Somewhat different results might have been obtained if the entire population had been surveyed. The difference between the estimate obtained from the sample and the one resulting from a complete count is called the sampling error of the estimate. This article uses the coefficient of variation (CV) as a measure of the sampling error. Any estimate that has a high CV (over 33%) has not been published because the estimate is too unreliable. An estimate that has a CV between 16.5% and 33.3% should be used with caution.

Among other data limitations, non-response may also affect results. Basic weights from the 2006 GSS were adjusted to ensure the weighted counts matched provincial population counts by age and sex. In the sample, there was a disparity between the weighted counts of resident and non-resident parents with an arrangement for spending time, which could be due to non-response or to interpretation of the GSS questions by the respondents. In the report, where there were differences between the responses of resident and non-resident parents, the results were reported separately.

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Detailed data table

Table 1
Proportion of parents by existence and type of arrangement for spending time or making major child-related decisions

Type of arrangements	Arrangements for spending time	Arrangements for making major decisions
	percent	
Parents without arrangements	38	39
Parents with an arrangement, total	62	61
Verbal arrangements	24	30
Written arrangements, total	41	29
Prepared by partners alone	5[E]	4[E]
Used other resources, total	36	26
Used court services	13	9
With help of lawyers	12	7
Judgment ordered	14	10
Total parents	**100**	**100**

Note: Some respondents have multiple responses where arrangements for different children involved different types of arrangements. Thus, percentages do not add up. Also, some percentages do not add up due to "don't know/not stated" responses. Parents are persons who divorced or separated between 2001 and 2006 with dependent children.
Source: Statistics Canada, General Social Survey, 2006

Notes

1. All statistics in this article exclude respondents who answered either don't know or not stated. In most cases, only about 1-2% of respondents did not respond.

2. Age of the children may be a factor as well, as younger parents generally have younger children. However, data on the age of children was not available and could not be analyzed.

3. Categories are not mutually exclusive. Some respondents have multiple responses where arrangements for different children involved different types of arrangements. Thus, percentages do not add up.

4. Data on whether arrangements for spending time with children are being followed are not available.

5. Use with caution.

6. A very small percentage of respondents indicated their children's primary residence was someplace other than with the respondent or the ex-partner.

7. This is limited to those parents with arrangements in place for both spending time and making major decisions. About 83% of parents with an arrangement for making major decisions also had an arrangement for spending time.